

REMARKS

In the Final Office Action mailed June 16, 2006, and the Advisory Action mailed October 31, 2006, the Examiner rejected Claims 130-133 and 138-140 under 35 U.S.C. §103(a). These rejections are addressed below.

I. Rejection of Claims 130-133 and 138-140 under 35 U.S.C. §103(a)

Claims 130-133 and 138-140 were rejected under 35 U.S.C. §103(a) in light of Kim et al., 1998 J. Braz. Chem. Soc. 4:375-379 (hereinafter, “the Kim reference”) in combination with the present application, the prior art of record, or U.S. Patent No. 5,141,930 (hereinafter, “the ‘930 patent”).

In particular, the Examiner stated, “[the Kim reference] teach a 3-substituted 1,4-Benzodiazepin-2-ones such as compound 1 (see at page 375, Bz-423). Kim’s compound (i.e., Bz-423) meets all the claims except 1-aliphatic group substitution where the aliphatic group has at least 2 carbons...[T]he elongation of alkyl group from methyl to other lower alkyl groups (e.g., ethyl or propyl) is commonly practiced to extend the effective species, and thus said substitution is obvious...[O]ne would have been motivated to extend the species to include not only methyl but also ethyl, propyl, butyl, (lower alkyl groups) because the efficacy is well proven and suggested by both instant disclosure and prior art of record (see instant disclosure at page 32, second example containing 1-methyl substitution).” Final Office Action, page 3; see, also, Advisory Action mailed October 31, 2006.

The Applicants respectfully disagree. However, in order to expedite prosecution while not acquiescing with the Examiner’s arguments, the Applicants now amend Claim 130 such that the Markush group describing the R1 group no longer contains the phrase “an aliphatic group having at least two carbons.” The Applicants reverse the right to prosecute original Claim 130, or similar claims, at a later date. In addition, the Applicants further amend Claim 130 such that the Markush group describing the R1 group further refers to a heteroaryl group and a substituted heteroaryl group. Support for this amendment is located throughout the Specification (see, e.g., paragraphs [0149, 0154, 0155, 0156 and 0157]). The Applicants request the rejection of these claims be withdrawn, and the claims passed into allowance.

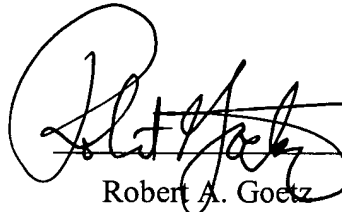
II. New Claims

The Applicants now add new Claims 141 and 142. Support for new Claim 142 is located in the Specification at, for example, paragraph [0163]. Support for new Claim 143 is located, for example, at paragraphs [0149, 0154, 0155, 0156 and 0157]). New Claims 141 and 142 do not constitute new matter.

III. Conclusion

All grounds of rejection of the Final Office Action of June 16, 2006 and the Advisory Action of October 31, 2006, have been addressed and reconsideration of the application is respectfully requested. It is respectfully submitted that Applicant's new claims should be passed into allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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